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January 27, 2010

VIA ECF

Magistrate Judge Lois Bloom
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Agiwal v. HSBC Mortgage Corp., *et al.*
09 CV 4795 (CBA) (LB)

Your Honor:

We represent Defendant HSBC Mortgage Corporation (USA) Inc. ("HSBC").

On December 15, 2009, HSBC wrote to the Court requesting an extension of time until January 29, 2010 to answer or otherwise respond to Plaintiff's November 11, 2009 Amended Complaint. (Your Honor granted the request on December 16, 2009.) HSBC's request was based on a mistaken assumption that it had been served with the Summons and Amended Complaint. In fact, HSBC has not been served. To the contrary, HSBC received an incomplete copy of the Amended Complaint from another law firm, which had apparently obtained the same from the electronic docket.¹ Because of an internal miscommunication, HSBC was under the false impression that it had actually been served with process, which led to the December 15, 2009 application.

Given that HSBC has not been served with—let alone seen the entirety of—the Amended Complaint, it cannot reasonably be obliged to respond to it. We therefore respectfully request that Your Honor vacate the December 16, 2009 endorsed order as moot, and we apologize for the misunderstanding.

The application is ☒ granted.
SO ORDERED. ☐ denied.

/Signed by Judge Lois Bloom/

Lois Bloom, U.S.M.J.

Dated: 1/29/10
Brooklyn, New York

¹ According to the docket, Plaintiff filed one of the two exhibits to the Amended Complaint under seal, and we have never seen a copy of the exhibit. See Docket Entry #6, Ex. 1.

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We are aware that Judge Amon issued an Order on December 17, 2009 directing the Marshals Service to serve the Summons and Amended Complaint on HSBC. If it would facilitate service of those papers, we would be willing to accept service at our law firm.

Respectfully submitted,

/s/ Allan S. Bloom

Allan S. Bloom
of PAUL, HASTINGS, JANOFSKY & WALKER LLP

cc: Mr. Bajjnath Agiwal (via UPS overnight delivery)
Plaintiff *Pro Se*

LEGAL_US_E # 86671077.2